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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R.

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PEARCE introduced the following bill; which was referred to the Committee on _____

A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Native American Housing Assistance and Self-Deter-
6 mination Reauthorization Act of 2014”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Indian housing plans.
- Sec. 103. Environmental review.
- Sec. 104. Failure to act on request for approval regarding exceeding TDC maximum cost for project.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

- Sec. 201. National objectives and eligible families.
- Sec. 202. Eligible affordable housing activities.
- Sec. 203. Program requirements.
- Sec. 204. Low-income requirement and income targeting.
- Sec. 205. Lease requirements and tenant selection.
- Sec. 206. Tribal coordination of agency funding.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Authorization of appropriations.

TITLE IV—AUDITS AND REPORTS

- Sec. 401. Review and audit by Secretary.
- Sec. 402. Reports to Congress.

TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

- Sec. 501. HUD-Veterans Affairs supportive housing program for Native American veterans.
- Sec. 502. 50-year leasehold interest in trust or restricted lands for housing purposes.
- Sec. 503. Training and technical assistance.
- Sec. 504. Loan guarantees for Indian housing.

TITLE VI—MISCELLANEOUS

- Sec. 601. Lands Title Report Commission.
- Sec. 602. Limitation on use of funds for Cherokee Nation.
- Sec. 603. Leasehold interest in trust or restricted lands for housing purposes.
- Sec. 604. Clerical amendment.

TITLE VII—DEMONSTRATION PROGRAM FOR ALTERNATIVE
PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

- Sec. 701. Demonstration program.

1 SEC. 2. REFERENCES.

2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a

1 section or other provision of the Native American Housing
2 Assistance and Self-Determination Act of 1996 (25 U.S.C.
3 4101 et seq.)

4 **TITLE I—BLOCK GRANTS AND** 5 **GRANT REQUIREMENTS**

6 **SEC. 101. BLOCK GRANTS.**

7 Section 101 (25 U.S.C. 4111) is amended—

8 (1) in subsection (c), by adding after the period
9 at the end the following: “If the Secretary fails to
10 act on a waiver request submitted under this sub-
11 section by a recipient within 60 days after receipt of
12 such request, the waiver request shall be deemed ap-
13 proved.”.

14 (2) in subsection (j), by striking “section 501 of
15 title 40,” and inserting “title 40 of the”; and.

16 (3) in subsection (k), by striking “1” and in-
17 serting “an”.

18 **SEC. 102. INDIAN HOUSING PLANS.**

19 Section 102(a) (25 U.S.C. 4112(a) is amended by in-
20 serting after and below paragraph (2) the following:

21 ““The Secretary may grant a waiver of the submission re-
22 quirements under paragraph (1) upon meeting certain fac-
23 tors that shall be set out by regulation, and provided fur-
24 ther that a request for such waiver shall be deemed ap-

1 proved if the Secretary does not act on such request within
2 60 days of receipt.’”.

3 **SEC. 103. ENVIRONMENTAL REVIEW.**

4 Section 105 (25 U.S.C. 4115) is amended—

5 (1) in subsection (d)—

6 (A) in the matter preceding paragraph (1),
7 by striking “may” and inserting “shall”; and

8 (B) by adding after and below paragraph
9 (4) the following:

10 “If the Secretary fails to act on a waiver request sub-
11 mitted under this subsection by a recipient within 60 days
12 after receipt of such request, the waiver shall be deemed
13 approved.”.

14 (2) by adding at the end the following new sub-
15 section:

16 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW
17 REQUIREMENTS.—If a recipient is using one or more
18 sources of Federal funds in addition to grant amounts
19 under this Act in carrying out a project that qualifies as
20 an affordable housing activity under section 202 and the
21 recipient’s tribe has assumed all of the responsibilities for
22 environmental review, decision-making, and action pursu-
23 ant to this section, the recipient’s compliance with the Na-
24 tional Environmental Policy Act of 1969 review require-
25 ments under this section with regard to such project shall

1 be deemed to fully comply with and discharge any applica-
2 ble environmental review requirements that might apply
3 to the use of such additional Federal funding sources for
4 that project.”.

5 **SEC. 104. FAILURE TO ACT ON REQUEST FOR APPROVAL**
6 **REGARDING EXCEEDING TDC MAXIMUM COST**
7 **FOR PROJECT.**

8 (a) APPROVAL.—Section 103 (25 U.S.C. 4113) is
9 amended by adding at the end the following new sub-
10 section:

11 “(f) APPROVAL OF REQUEST TO EXCEED TDC MAX-
12 IMUM.—A request for approval by the Secretary of Hous-
13 ing and Urban Development to exceed by more than 10
14 percent the total development cost maximum cost for a
15 project shall be deemed to be approved if the Secretary
16 fails to take action on the request during the 60-day pe-
17 riod that begins on the date that the Secretary receives
18 the request.”.

19 (b) DEFINITION.—Section 4 (25 U.S.C. 4103) is
20 amended—

21 (1) by redesignating paragraph (22) as para-
22 graph (23); and

23 (2) by inserting after paragraph (21) the fol-
24 lowing new paragraph:

1 “(22) TOTAL DEVELOPMENT COST.—The term
2 ‘total development cost’ means, with respect to a
3 housing project, the sum of all costs for the project,
4 including all undertakings necessary for administra-
5 tion, planning, site acquisition, demolition, construc-
6 tion or equipment and financing (including payment
7 of carrying charges), and for otherwise carrying out
8 the development of the project, excluding off-site
9 water and sewer. The total development cost
10 amounts shall be based on a moderately designed
11 house and determined by averaging the current con-
12 struction costs as listed in not less than two nation-
13 ally recognized residential construction cost indi-
14 ces.”.

15 **TITLE II—AFFORDABLE** 16 **HOUSING ACTIVITIES**

17 **SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.**

18 Paragraph (6) of section 201(b) (25 U.S.C.
19 4131(b)(6); relating to exemption) is amended—

20 (1) by striking “1964 and” and inserting
21 “1964,”; and

22 (2) by inserting after “1968” the following: “,
23 and section 3 of the Housing and Urban Develop-
24 ment Act of 1968”.

1 **SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.**

2 Section 202(9)(A) (25 U.S.C. 4132(9)(A)) is amend-
3 ed—

4 (1) by striking “only”;

5 (2) by striking “administration and planning
6 related to”; and

7 (3) by inserting “including administration and
8 planning,” after “section,”.

9 **SEC. 203. PROGRAM REQUIREMENTS.**

10 Section 203 (25 U.S.C. 4133) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “para-
13 graph (2)” and inserting “paragraphs (2) and
14 (3)”; and

15 (B) by adding at the end the following new
16 paragraph:

17 “(3) APPLICATION OF TRIBAL POLICIES.—

18 Paragraph (2) shall not apply if the recipient has a
19 written policy governing rents and homebuyer pay-
20 ments charged for dwelling units and such policy in-
21 cludes a provision governing maximum rents or
22 homebuyer payments.”;

23 (2) in subsection (c), by striking “or assisted
24 with” and inserting “by a recipient”; and

1 (3) in subsection (e), by striking “assisted
2 with” and inserting “units that are owned or oper-
3 ated by a recipient using”.

4 **SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TAR-**
5 **GETING.**

6 Section 205 (25 U.S.C. 4135) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (I) in subparagraph (C), by striking
10 “and” at the end;

11 (ii) in subparagraph (D), by striking
12 the period at the end and inserting “;
13 and”; and

14 (iii) by adding at the end the fol-
15 lowing new subsection:

16 “(E) notwithstanding any other provision
17 of this paragraph, in the case of rental housing
18 that is made available to a current rental family
19 for conversion to a homebuyer or a lease-pur-
20 chase unit, that the current rental family can
21 purchase through a contract of sale, lease-pur-
22 chase agreement, or any other sales agreement,
23 is made available for purchase only by the cur-
24 rent rental family, if the rental family was a

1 low-income family at the time of their initial oc-
2 cupancy of such unit; and”.

3 (B) in paragraph (2)—

4 (I) by striking “satisfactory to the
5 Secretary” and inserting “in such forms as
6 the Secretary shall, by regulation, re-
7 quire”; and

8 (ii) by striking “Secretary)” and in-
9 serting “recipient)”; and

10 (2) in subsection (c), by adding after the period
11 at the end the following: “The provisions of such
12 paragraph regarding binding commitments for the
13 remaining useful life of the property shall not apply
14 to improvements of privately owned homes if the
15 cost of such improvements do not exceed 10 percent
16 of the maximum total development cost for such
17 home.”.

18 **SEC. 205. LEASE REQUIREMENTS AND TENANT SELECTION.**

19 Section 207 (25 U.S.C. 4137) is amended by adding
20 at the end the following new subsection:

21 “(c) NOTICE OF TERMINATION.—Notwithstanding
22 any other provision of law, the owner or manager of rental
23 housing that is assisted in part with amounts provided
24 under this Act and in part with one or more other sources
25 of Federal funds shall only utilize leases that require a

1 notice period for the termination of the lease pursuant to
2 subsection (a)(3).”.

3 **SEC. 206. TRIBAL COORDINATION OF AGENCY FUNDING.**

4 Subtitle A of title II (25 U.S.C. 4131 et seq.) is
5 amended by adding at the end the following new section:

6 **“SEC. 211. TRIBAL COORDINATION OF AGENCY FUNDING.**

7 “Notwithstanding any other provision of law, a re-
8 cipient authorized to receive funding under this Act may,
9 in its discretion, use funding from the Indian Health Serv-
10 ice of the Department of Health and Human Services for
11 construction of sanitation facilities for housing construc-
12 tion and renovation projects that are funded in part by
13 funds provided under this Act.”.

14 **TITLE III—ALLOCATION OF**
15 **GRANT AMOUNTS**

16 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

17 The first sentence of section 108 (25 U.S.C. 4117)
18 is amended by striking “such sums as may be necessary
19 for each of fiscal years 2009 through 2013” and inserting
20 “\$650,000,000 for each of fiscal years 2014 through
21 2018”.

22 **TITLE IV—AUDITS AND REPORTS**

23 **SEC. 401. REVIEW AND AUDIT BY SECRETARY.**

24 Section 405(c) (25 U.S.C. 4165(c)) is amended, by
25 adding at the end the following new paragraph:

1 “(3) FAILURE TO ISSUE FINAL REPORT.—The
2 Secretary shall issue a final report within 60 days
3 after receiving comments under paragraph (1) from
4 a recipient.”.

5 **SEC. 402. REPORTS TO CONGRESS.**

6 Section 407 (25 U.S.C. 4167) is amended—

7 (1) in subsection (a), by striking “Congress”
8 and inserting “Committee on Financial Services and
9 the Committee on Natural Resources of the House
10 of Representatives, to the Committee on Indian Af-
11 fairs and the Committee on Banking, Housing, and
12 Urban Affairs of the Senate, and to any subcommit-
13 tees of such committees having jurisdiction with re-
14 spect to Native American and Alaska Native af-
15 fairs,”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(c) PUBLIC AVAILABILITY TO RECIPIENTS.—Each
19 report submitted pursuant to subsection (a) shall be made
20 publicly available to recipients.”.

1 **TITLE V—OTHER HOUSING AS-**
2 **SISTANCE FOR NATIVE AMER-**
3 **ICANS**

4 **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**
5 **PROGRAM FOR NATIVE AMERICAN VET-**
6 **ERANS.**

7 Paragraph (19) of section 8(o) of the United States
8 Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amend-
9 ed by adding at the end the following new subparagraph:

10 “(D) NATIVE AMERICAN VETERANS.—

11 “(I) AUTHORITY.—Of the funds made
12 available for rental assistance under this
13 subsection for fiscal year 2015 and each
14 fiscal year thereafter, the Secretary shall
15 set aside 0.1 percent for a supported hous-
16 ing and rental assistance program modeled
17 on the HUD–Veterans Affairs Supportive
18 Housing (HUD-VASH) program, to be ad-
19 ministered in conjunction with the Depart-
20 ment of Veterans Affairs, for the benefit of
21 homeless Native American veterans and
22 veterans at-risk of homelessness.

23 “(ii) RECIPIENTS.—Such rental as-
24 sistance shall be made available to recipi-
25 ents eligible to receive block grants under

1 the Native American Housing Assistance
2 and Self-Determination Act of 1996 (25
3 U.S.C. 4101 et seq.).

4 “(iii) FUNDING CRITERIA.—Funds
5 shall be awarded based on need, adminis-
6 trative capacity, and any other funding cri-
7 teria established by the Secretary in a no-
8 tice published in the Federal Register,
9 after consultation with the Secretary of
10 Veterans Affairs, by a date sufficient to
11 provide for implementation of the program
12 under this subparagraph in accordance
13 with clause (I).

14 “(iv) PROGRAM REQUIREMENTS.—
15 Such funds shall be administered by block
16 grant recipients in accordance with pro-
17 gram requirements under Native American
18 Housing Assistance and Self-Determina-
19 tion Act of 1996 in lieu of program re-
20 quirements under this Act.

21 “(v) WAIVER.—The Secretary may
22 waive, or specify alternative requirements
23 for any provision of any statute or regula-
24 tion that the Secretary administers in con-
25 nection with the use of funds made avail-

1 able under this subparagraph, but only
2 upon a finding by the Secretary that such
3 waiver or alternative requirement is nec-
4 essary to promote administrative efficiency,
5 eliminate delay, consolidate or eliminate
6 duplicative or ineffective requirements or
7 criteria, or otherwise provide for the effec-
8 tive delivery and administration of such
9 supportive housing assistance to Native
10 American veterans.

11 “(vi) CONSULTATION.—The Secretary
12 and the Secretary of Veterans Affairs shall
13 jointly consult with block grant recipients
14 and any other appropriate tribal organiza-
15 tions to—

16 “(I) ensure that block grant re-
17 cipients administering funds made
18 available under the program under
19 this subparagraph are able to effec-
20 tively coordinate with providers of
21 supportive services provided in con-
22 nection with such program; and

23 “(II) ensure the effective delivery
24 of supportive services to Native Amer-
25 ican veterans that are homeless or at-

1 risk of homelessness eligible to receive
2 assistance under this subparagraph.

3 Consultation pursuant to this clause shall
4 be completed by a date sufficient to pro-
5 vide for implementation of the program
6 under this subparagraph in accordance
7 with clause (I).

8 “(vii) RULEMAKING.—The first nego-
9 tiated rulemaking committee established
10 pursuant to subchapter III of chapter 5 of
11 title 5, United States Code, for rulemaking
12 relating to the Native American Housing
13 Assistance and Self-Determination Act of
14 1996, or any amendments to such Act, but
15 that is not established to consider matters
16 relating to the allocation formula under
17 section 302 of such Act (25 U.S.C. 4152),
18 shall review the requirements and criteria
19 for the supported housing and rental as-
20 sistance program under this subparagraph
21 and may report to the Secretary a pro-
22 posed rule revising such requirements and
23 criteria.”.

1 **SEC. 502. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**
2 **STRICTED LANDS FOR HOUSING PURPOSES.**

3 Section 702(c)(1) (25 U.S.C. 4211(c)(1)) is amended
4 by inserting “, whether enacted before, on, or after the
5 date of the enactment of this section” after “law,”.

6 **SEC. 503. TRAINING AND TECHNICAL ASSISTANCE.**

7 Section 703 (25 U.S.C. 4212) is amended—

8 (1) by striking “There are authorized to be ap-
9 propriated” and inserting “Of any amounts appro-
10 priated pursuant to section 108, the Secretary may
11 use such sums as may be necessary for”; and

12 (2) by striking “such sums as may be necessary
13 for each of fiscal years 2009 through 2013”.

14 **SEC. 504. LOAN GUARANTEES FOR INDIAN HOUSING.**

15 Section 184(I)(5) of the Housing and Community
16 Development Act of 1992 (12 U.S.C. 1715z–13a(I)(5)) is
17 amended—

18 (1) in subparagraph (B), by inserting after the
19 period at the end of the first sentence the following:
20 “There are authorized to be appropriated for such
21 costs \$12,200,00 for each of fiscal years 2014
22 through 2018.”; and

23 (2) in subparagraph (5)—

24 (A) by striking “2008 through 2012” and
25 inserting “2014 through 2018”; and

1 (B) by striking “such amount as may be
2 provided in appropriation Acts for” and insert-
3 ing “\$976,000,000 for each”.

4 **TITLE VI—MISCELLANEOUS**

5 **SEC. 601. LANDS TITLE REPORT COMMISSION.**

6 Section 501 of the American Homeownership and
7 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)
8 is amended—

9 (1) in subsection (a), by striking “Subject to
10 sums being provided in advance in appropriations
11 Acts, there” and inserting “There”; and

12 (2) in subsection (b)(1) by striking “this Act”
13 and inserting “the Native American Housing Assist-
14 ance and Self-Determination Reauthorization Act of
15 2014”.

16 **SEC. 602. LIMITATION ON USE OF FUNDS FOR CHEROKEE** 17 **NATION.**

18 Section 801 of the Native American Housing Assist-
19 ance and Self-Determination Reauthorization Act of 2008
20 (Public Law 110–411) is amended by striking “Tem-
21 porary Order and Temporary Injunction issued on May
22 14, 2007, by the District Court of the Cherokee Nation”
23 and inserting “Order issued September 21, 2011, by the
24 Federal District Court for the District of Columbia”.

1 **SEC. 603. LEASEHOLD INTEREST IN TRUST OR RESTRICTED**
2 **LANDS FOR HOUSING PURPOSES.**

3 Section 702 (25 U.S.C. 4211) is amended by striking
4 “50 years” each place such term appears and inserting
5 “99 years”.

6 **SEC. 604. CLERICAL AMENDMENT.**

7 The table of contents in section 1(b) of the Native
8 American Housing Assistance and Self-Determination Act
9 of 1996 (25 U.S.C. 4101 note) is amended by striking
10 the item relating to section 206 (treatment of funds).

11 **TITLE VII—DEMONSTRATION**
12 **PROGRAM FOR ALTERNATIVE**
13 **PRIVATIZATION AUTHORITY**
14 **FOR NATIVE AMERICAN**
15 **HOUSING**

16 **SEC. 701. DEMONSTRATION PROGRAM.**

17 The Native American Housing and Self-Determina-
18 tion Act of 1996 (25 U.S.C. 4101 et seq.) is amended by
19 adding at the end the following new title:

1 **“TITLE IX—DEMONSTRATION**
2 **PROGRAM FOR ALTERNATIVE**
3 **PRIVATIZATION AUTHORITY**
4 **FOR NATIVE AMERICAN**
5 **HOUSING**

6 **“SEC. 901. AUTHORITY.**

7 “(a) IN GENERAL.—In addition to any other author-
8 ity provided in this Act for the construction, development,
9 maintenance, and operation of housing for Indian families,
10 the Secretary shall provide the participating tribes having
11 final plans approved pursuant to section 905 with the au-
12 thority to exercise the activities provided under this title
13 and such plan for the acquisition and development of
14 housing to meet the needs of tribal members.

15 “(b) INAPPLICABILITY OF NAHASDA PROVI-
16 SIONS.—Except as specifically provided otherwise in this
17 title, titles I through IV, VI, and VII shall not apply to
18 a participating tribe during any period that the tribe is
19 participating in the demonstration program under this
20 title.

21 “(c) CONTINUED APPLICABILITY OF CERTAIN
22 NAHASDA PROVISIONS.—The following provisions of ti-
23 tles I through VIII shall apply to the demonstration pro-
24 gram under this title and amounts made available under
25 the demonstration program under this title:

1 “(1) Subsections (d) and (e) of section 101 (re-
2 relating to tax exemption).

3 “(2) Section 101(j) (relating to Federal supply
4 sources).

5 “(3) Section 101(k) (relating to tribal pref-
6 erence in employment and contracting).

7 “(4) Section 104 (relating to treatment of pro-
8 gram income and labor standards).

9 “(5) Section 105 (relating to environmental re-
10 view).

11 “(6) Section 201(b) (relating to eligible fami-
12 lies), except as otherwise provided in this title.

13 “(7) Section 203(g) (relating to a de minimis
14 exemption for procurement of goods and services).

15 “(8) Section 702 (relating to 99-year leasehold
16 interests in trust or restricted lands for housing pur-
17 poses).

18 **“SEC. 902. PARTICIPATING TRIBES.**

19 “(a) REQUEST TO PARTICIPATE.—To be eligible to
20 participate in the demonstration program under this title,
21 an Indian tribe shall submit to the Secretary a notice of
22 intention to participate during the 60-day period begin-
23 ning on the date of the enactment of this title, in such
24 form and such manner as the Secretary shall provide.

1 month period beginning on the date of the enact-
2 ment of this title, an Indian tribe requesting to par-
3 ticipate in the demonstration program under this
4 title shall—

5 “(A) select an investor partner from
6 among the entities that have responded to the
7 tribe’s request for quotations; and

8 “(B) together with such investor partner,
9 establish and submit to the Secretary a final
10 plan that meets the requirements under section
11 904.

12 “(2) EXCEPTIONS.—The Secretary may extend
13 the period under paragraph (1) for any tribe that—

14 “(A) has not received any satisfactory
15 quotation in response to its request released
16 pursuant to subsection (a)(2); or

17 “(B) has any other satisfactory reason, as
18 determined by the Secretary, for failure to se-
19 lect an investor partner.

20 **“SEC. 904. FINAL PLAN.**

21 “A final plan under this section shall—

22 “(1) be developed by the participating tribe and
23 the investor partner for the tribe selected pursuant
24 to section 903(b)(1)(A);

1 “(2) identify the qualified entity that assisted
2 the tribe in assessing the housing needs of the tribe;

3 “(3) set forth a detailed description of such
4 projected housing needs, including affordable hous-
5 ing needs, of the tribe, which shall include—

6 “(A) a description of such need over the
7 ensuing 24 months and thereafter until the ex-
8 piration of the ensuing 5-year period or until
9 the affordable housing need is met, whichever
10 occurs sooner; and

11 “(B) the same information that would be
12 required under section 102 to be included in an
13 Indian housing plan for the tribe, as such re-
14 quirements may be modified by the Secretary to
15 take consideration of the requirements of the
16 demonstration program under this title;

17 “(4) provide for specific housing activities suffi-
18 cient to meet the tribe’s housing needs, including af-
19 fordable housing needs, as identified pursuant to
20 paragraph (3) within the periods referred to such
21 paragraph, which shall include—

22 “(A) development of affordable housing (as
23 such term is defined in section 4 of this Act (25
24 U.S.C. 4103));

1 “(B) development of conventional homes
2 for rental, lease-to-own, or sale, which may be
3 combined with affordable housing developed
4 pursuant to subparagraph (A);

5 “(C) development of housing infrastruc-
6 ture, including housing infrastructure sufficient
7 to serve affordable housing developed under the
8 plan; and

9 “(D) investments by the investor partner
10 for the tribe, the participating tribe, members
11 of the participating tribe, and financial institu-
12 tions and other outside investors necessary to
13 provide financing for the development of hous-
14 ing under the plan and for mortgages for tribal
15 members purchasing such housing;

16 “(5) provide that the participating tribe will
17 agree to provide long-term leases to tribal members
18 sufficient for lease-to-own arrangements for, and
19 sale of, the housing developed pursuant to paragraph
20 (4);

21 “(6) provide that the participating tribe—

22 “(A) will be liable for delinquencies under
23 mortgage agreements for housing developed
24 under the plan that are financed under the plan
25 and entered into by tribal members; and

1 “(B) shall, upon foreclosure under such
2 mortgages, take possession of such housing and
3 have the responsibility for making such housing
4 available to other tribal members;

5 “(7) provide for sufficient protections, in the
6 determination of the Secretary, to ensure that the
7 tribe and the Federal Government are not liable for
8 the acts of the investor partner or of any contrac-
9 tors;

10 “(8) provide that the participating tribe shall
11 have sole final approval of design and location of
12 housing developed under the plan;

13 “(9) set forth specific deadlines and schedules
14 for activities to be undertaken under the plan and
15 set forth the responsibilities of the participating
16 tribe and the investor partner;

17 “(10) set forth specific terms and conditions of
18 return on investment by the investor partner and
19 other investors under the plan, and provide that the
20 participating tribe shall pledge grant amounts allo-
21 cated for the tribe pursuant to title III for such re-
22 turn on investment;

23 “(11) set forth the terms of a cooperative
24 agreement on the operation and management of the
25 current assistance housing stock and current hous-

1 ing stock for the tribe assisted under the preceding
2 titles of this Act.

3 “(12) set forth any plans for sale of affordable
4 housing of the participating tribe under section 907
5 and, if included, plans sufficient to meet the require-
6 ments of section 907 regarding meeting future af-
7 fordable housing needs of the tribe;

8 “(13) set forth terms for enforcement of the
9 plan, including an agreement regarding jurisdiction
10 of any actions under or to enforce the plan, includ-
11 ing a waiver of immunity; and

12 “(14) include such other information as the
13 participating tribe and investor partner consider ap-
14 propriate.

15 **“SEC. 905. HUD REVIEW AND APPROVAL OF PLAN.**

16 “(a) IN GENERAL.—Not later than the expiration of
17 the 90-day period beginning upon a submission by an In-
18 dian tribe of a final plan under section 904 to the Sec-
19 retary, the Secretary shall—

20 “(1) review the plan and the process by which
21 the tribe solicited requests for quotations from inves-
22 tors and selected the investor partner; and

23 “(2)(A) approve the plan, unless the Secretary
24 determines that—

1 “(I) the assessment of the tribe’s housing
2 needs by the qualified entity, or as set forth in
3 the plan pursuant to section 904(3), is inac-
4 curate or insufficient;

5 “(ii) the process established by the tribe to
6 solicit requests for quotations and select an in-
7 vestor partner was insufficient or negligent;

8 “(iii) the plan is insufficient to meet the
9 housing needs of the tribe, as identified in the
10 plan pursuant to section 904(3).

11 “(B) approve the plan, on the condition that
12 the participating tribe and the investor make such
13 revisions to the plan as the Secretary may specify as
14 appropriate to meet the needs of the tribe for afford-
15 able housing; or

16 “(C) disapprove the plan, only if the Secretary
17 determines that the plan is fails to meet the minimal
18 housing standards and requirements set forth in this
19 Act and the Secretary notifies the tribe of the ele-
20 ments requiring the disapproval.

21 “(b) ACTION UPON DISAPPROVAL.—

22 “(1) RE-SUBMISSION OF PLAN.—Subject to
23 paragraph (2), in the case of any disapproval of a
24 final plan of an Indian tribe pursuant to subsection
25 (a)(3), the Secretary shall allow the tribe a period

1 of 180 days from notification to the tribe of such
2 disapproval to re-submit a revised plan for approval.

3 “(2) LIMITATION.—If the final plan for an In-
4 dian tribe is disapproved twice and resubmitted
5 twice pursuant to the authority under paragraph (1)
6 and, upon such second re-submission of the plan the
7 Secretary disapproves the plan, the tribe may not re-
8 submit the plan again and shall be ineligible to par-
9 ticipate in the demonstration program under this
10 title.

11 “(c) TRIBE AUTHORITY OF HOUSING DESIGN AND
12 LOCATION.—The Secretary may not disapprove a final
13 plan under section 904, or condition approval of such a
14 plan, based on the design or location of any housing to
15 be developed or assisted under the plan.

16 “(d) FAILURE TO NOTIFY.—If the Secretary does not
17 notify a participating tribe submitting a final plan of ap-
18 proval, conditional approval, or disapproval of the plan be-
19 fore the expiration of the period referred to in paragraph
20 (1), the plan shall be considered as approved for all pur-
21 poses of this title.

22 **“SEC. 906. TREATMENT OF NAHASDA ALLOCATION.**

23 “Amounts otherwise allocated for a participating
24 tribe under title III of this Act (25 U.S.C. 4151 et seq.)
25 shall not be made available to the tribe under titles I

1 through XIII, but shall only be available for the tribe,
2 upon request by the tribe and approval by the Secretary,
3 for the following purposes:

4 “(1) RETURN ON INVESTMENT.—Such amounts
5 as are pledged by a participating tribe pursuant to
6 section 904(10) for return on the investment made
7 by the investor partner or other investors may be
8 used by the Secretary to ensure such full return on
9 investment.

10 “(2) ADMINISTRATIVE EXPENSES.—The Sec-
11 retary may provide to a participating tribe, upon the
12 request of a tribe, not more than 10 percent of any
13 annual allocation made under title III for the tribe
14 during such period for administrative costs of the
15 tribe in completing the processes to carry out section
16 903 and 904.

17 “(3) HOUSING INFRASTRUCTURE COSTS.—A
18 participating tribe may use such amounts for hous-
19 ing infrastructure costs associated with providing af-
20 fordable housing for the tribe under the final plan..

21 **“SEC. 907. RESALE OF AFFORDABLE HOUSING.**

22 “Notwithstanding any other provision of this Act, a
23 participating tribe may, in accordance with the provisions
24 of the final plan of the tribe approved pursuant to section
25 905, resell any affordable housing developed with assist-

1 ance made available under this Act for use other than as
2 affordable housing, but only if the tribe provides such as-
3 surances as the Secretary determines are appropriate to
4 ensure that—

5 “(1) the tribe is meeting its need for affordable
6 housing; and

7 “(2) will provide affordable housing in the fu-
8 ture sufficient to meet future affordable housing
9 needs.

10 **“SEC. 908. REPORTS, AUDITS, AND COMPLIANCE.**

11 “(a) ANNUAL REPORTS BY TRIBE.—Each partici-
12 pating tribe shall submit a report to the Secretary annu-
13 ally regarding the progress of the tribe in complying with,
14 and meeting the deadlines and schedules set forth under
15 the approved final plan for the tribe. Such reports shall
16 contain such information as the Secretary shall require.

17 “(b) REPORTS TO CONGRESS.—The Secretary shall
18 submit a report to the Congress annually describing the
19 activities and progress of the demonstration program
20 under this title, which shall—

21 “(1) summarize the information in the reports
22 submitted by participating tribes pursuant to sub-
23 section (a);

1 “(2) identify the number of tribes that have se-
2 lected an investor partner pursuant to a request for
3 quotations;

4 “(3) include, for each tribe applying for partici-
5 pating in the demonstration program whose final
6 plan was disapproved under section 905(a)(2)(C), a
7 detailed description and explanation of the reasons
8 for disapproval and all actions taken by the tribe to
9 eliminate the reasons for disapproval, and identify
10 whether the tribe has re-submitted a final plan;

11 “(4) identify, by participating tribe, any
12 amounts requested and approved for use under sec-
13 tion 906; and

14 “(5) identify any participating tribes that have
15 terminated participation in the demonstration pro-
16 gram and the circumstances of such terminations.

17 “(c) AUDITS.—The Secretary shall provide for ran-
18 dom audits among participating tribes to ensure that the
19 final plans for such tribes are being implemented and com-
20 plied with. Such audits shall include on-site visits with
21 participating tribes and requests for documentation appro-
22 priate to ensure such compliance.

23 **“SEC. 909. TERMINATION OF TRIBAL PARTICIPATION.**

24 “(a) TERMINATION OF PARTICIPATION.—A partici-
25 pating tribe may terminate participation in the demonstra-

1 tion program under this title at any time, subject to this
2 section.

3 “(b) EFFECT ON EXISTING OBLIGATIONS.—

4 “(1) NO AUTOMATIC TERMINATION.—Termi-
5 nation by a participating tribe in the demonstration
6 program under this section shall not terminate any
7 obligations of the tribe under agreements entered
8 into under the demonstration program with the in-
9 vestor partner for the tribe or any other investors or
10 contractors.

11 “(2) AUTHORITY TO MUTUALLY TERMINATE
12 AGREEMENTS.—Nothing in this title may be con-
13 strued to prevent a tribe that terminates participa-
14 tion in the demonstration program under this sec-
15 tion and any party with which the tribe has entered
16 into an agreement from mutually agreeing to termi-
17 nate such agreement.

18 “(c) RECEIPT OF REMAINING GRANT AMOUNTS.—
19 The Secretary shall provide for grants to be made in ac-
20 cordance with, and subject to the requirements of, this Act
21 for any amounts remaining after use pursuant to section
22 906 from the allocation under title III for a participating
23 tribe that terminates participation in the demonstration
24 program.

1 “(d) COSTS AND OBLIGATIONS.—The Secretary shall
2 not be liable for any obligations or costs incurred by an
3 Indian tribe during its participation in the demonstration
4 program under this title.

5 **“SEC. 910. FINAL REPORT.**

6 “Not later than the expiration of the 5-year period
7 beginning on the date of the enactment of this title, the
8 Secretary shall submit a final report to the Congress re-
9 garding the effectiveness of the demonstration program,
10 which shall include—

11 “(1) an assessment of the success, under the
12 demonstration program, of participating tribes in
13 meeting their housing needs, including affordable
14 housing needs, on tribal land;

15 “(2) recommendations for any improvements in
16 the demonstration program; and

17 “(3) a determination of whether the demonstra-
18 tion should be expanded into a permanent program
19 available for Indian tribes to opt into at any time
20 and, if so, recommendations for such expansion, in-
21 cluding any legislative actions necessary to expand
22 the program.

23 **“SEC. 911. DEFINITIONS.**

24 “For purposes of this title, the following definitions
25 shall apply:

1 “(1) AFFORDABLE HOUSING.—The term ‘af-
2 fordable housing’ has the meaning given such term
3 in section 4 (25 U.S.C. 4103).

4 “(2) HOUSING INFRASTRUCTURE.—The term
5 ‘housing infrastructure’ means basic facilities, serv-
6 ices, systems, and installations necessary or appro-
7 priate for the functioning of a housing community,
8 including facilities, services, systems, and installa-
9 tions for water, sewage, power, communications, and
10 transportation.

11 “(3) LONG-TERM LEASE.—The term ‘long-term
12 lease’ means an agreement between a participating
13 tribe and a tribal member that authorizes the tribal
14 member to occupy a specific plot of tribal lands for
15 50 or more years and to request renewal of the
16 agreement at least once.

17 “(4) PARTICIPATING TRIBES.—The term ‘par-
18 ticipating tribe’ means an Indian tribe for which a
19 final plan under section 904 for participation in the
20 demonstration program under this title has been ap-
21 proved by the Secretary under section 905.

22 **“SEC. 912. REGULATIONS AND GUIDELINES.**

23 “The Secretary shall issue such regulations as may
24 be necessary to carry out the demonstration program
25 under this title.”.